



Department of Justice

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JUDGE UPHOLDS CONSTITUTIONALITY OF FEDERAL SEX OFFENDER REGISTRATION LAW

DAYTON – A United States District Court Judge here has upheld the constitutionality and applicability of the 2006 federal law used to punish sex offenders who fail to register when they travel in interstate commerce with up to 10 years in prison.

Gregory G. Lockhart, United States Attorney for the Southern District of Ohio, and James M. Wahlrab, United States Marshal for the Southern District of Ohio, announced the ruling handed down July 24 by United States District Judge Walter Herbert Rice.

Congress passed the Sexual Offender Registration and Notification Act (SORNA) as part of the Adam Walsh Child Protection and Safety Act in 2006. The law requires anyone convicted of sex crimes under federal law, or anyone convicted in state court and traveling in interstate commerce, to register with law enforcement agencies where they live, work or are a student.

Whoever is required to register as a sex offender, travels in interstate or foreign commerce and knowingly fails to register or update his or her registration is subject to a fine of up to \$250,000 and up to ten years in prison.

Judge Rice's ruling is in response to a motion filed by Roger Dale Trent. A federal grand jury indicted Trent in December, 2007, charging him with failing to register as a sex offender, as required under SORNA, when he moved from Indiana to Darke County, Ohio in November, 2007. Trent was convicted of a sex crime in Indiana in May, 2007.

Trent asked the court to dismiss the indictment, claiming that SORNA violated the Commerce Clause of the U.S Constitution. He also argued that the law should not apply to him since he hadn't been notified of it and since the crime occurred before the state of Ohio passed a sex offender notification law.

Judge Rice rejected all of Trent's arguments saying that SORNA is "a valid regulation of the uses of the channels of interstate commerce. Judge Rice also ruled that the federal guidelines governing the application of SORNA allow for the law to be applied even in states which have not yet approved their own registration programs.

"This ruling adds to the growing number of court decisions that SORNA is a legal and useful way to protect communities from sexual criminals who travel from place to place without notifying those communities of their presence," Lockhart said. "We will continue to work closely with the Marshals Service and local law enforcement agencies to bring to justice any who violate the law."

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